

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

No. 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al, )

Defendants. )

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VOLUME I VIDEOTAPED DEPOSITION OF JOHN  
PATRICK CONNOLLY, produced as a witness on behalf of  
the State, in the above styled and numbered cause,  
taken on the 8th day of April, 2009, in the City of  
Tulsa, County of Tulsa, State of Oklahoma, before me,  
Marlene Percefull, Certified Shorthand Reporter, duly  
certified under and by virtue of the laws of the State  
of Oklahoma.

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1 statistically correct.

12:05PM

2 Q So you don't do a test but you're confident that  
3 the test would show they're not statistically  
4 different?

5 MR. TODD: Object to form.

12:05PM

6 Q Is that what you're telling the court?

7 A Yes.

8 Q And so there's no evidence that they're dissimilar  
9 but there is evidence that they're similar based on two  
10 samples for Sardis versus 25 for Tenkiller in 2005?

12:05PM

11 MR. TODD: Objection, asked and answered.

12 Q Correct?

13 A What I'm saying is that given the data we have at  
14 hand, looking at 2003 and 2005 together, because  
15 it's -- we're not looking at them separately, trying to  
16 use all the evidence we have at hand, things are  
17 similar. Are they the same? Probably not. Are the  
18 differences significant? No. So if the information we  
19 have at hand suggests not significantly dissimilar  
20 water quality. Would I have liked to have had a lot  
21 more data to do a much more robust comparison? Yes.

12:06PM

22 Q The differences we're seeing here is the  
23 difference between a eutrophic lake system and a  
24 mesotrophic system, are they not?

25 MR. TODD: Object to form.

12:06PM